

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MICHAEL CHARLES GRIGGS,  
  
Defendant.

NO. CR-88-0410-EFS

**ORDER DENYING DEFENDANT'S  
MOTION FOR RECONSIDERATION**

Before the Court, without oral argument, is *pro se* Defendant Michael Charles Griggs' Motion for Reconsideration. (Ct. Rec. 62.) After reviewing the submitted material, the Court is fully informed and denies Defendant's motion. The reasons for the Court's Order are set forth below.

**I. Background**

On September 27, 2007, Defendant filed a Motion to Correct the Abrogation of Restitution. (Ct. Rec. 56.) In an Order on October 15, 2007, the Court denied Defendant's motion. (Ct. Rec. 60.)

**II. Discussion**

Defendant, citing "additional evidence [that] has just become available," again asks the Court to correct a clerical error in Judge Alan A. McDonald's Order Revoking Supervised Release. (Ct. Rec. 62.)

1 Federal Rule of Criminal Procedure 36 states:

2 After giving any notice it considers appropriate, the court  
3 may at any time correct a clerical error in a judgment, order,  
4 or other part of the record, or correct an error in the record  
arising from oversight or omission.

5 FED. R. CRIM. P. 36 (2007).

6 Here, the "additional evidence" that Defendant refers to is the  
7 Judgment Including Sentence Under the Sentencing Reform Act.  
8 (Ct. Rec. 16.) While this evidence may have just become available to  
9 Defendant, the Court considered this Judgment in its Order Denying  
10 Defendant's Motion to Correct the Abrogation of Restitution.  
11 (Ct. Rec. 60 at 2.) Accordingly, there is no new evidence suggesting a  
12 clerical error in Judge McDonald's Order Revoking Supervised Release.  
13 (Ct. Rec. 55.)

14 **III. CONCLUSION**

15 Therefore, **IT IS HEREBY ORDERED:** Defendant's Motion for  
16 Reconsideration (Ct. Rec. 62) is **DENIED**.

17 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
18 this Order and provide copies to all parties and the U.S. Probation  
19 Office.

20 **DATED** this 27th day of February, 2008.

21  
22 s/Edward F. Shea  
EDWARD F. SHEA  
23 United States District Judge

24 Q:\Criminal\1988\410.DenyReconsider.wpd  
25  
26